

Case 3:10-mj-01106-JRK Document 24 Filed 04/23/10 Page 1 of 1

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
300 NORTH HOGAN STREET, ROOM 9-150  
JACKSONVILLE, FLORIDA 32202-4271

Sheryl L. Loesch  
Clerk

Jacksonville Division  
(904) 549-1900

April 23, 2010

RECEIVED

APR 29 2010

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
DEPUTY CLERK

Clerk, United States District Court  
Eastern District of Texas  
Austin Division  
200 West 8th Street, Room 130  
Austin, TX 78701

Re: Transfer of Criminal Case - Magistrate Case No. 3:10-mj-1106-JRK  
*United States v. David A. Diehl*, Case No. A-10-M-268

Dear Clerk of Court:

Pursuant to Rule 5(c)(3) of the Federal Rules of Criminal Procedure, enclosed are certified copies of the docket sheet and orders, along with copies of all other pertinent papers in Magistrate Case No. 3:10-mj-1106-JRK.

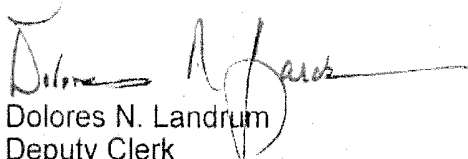
Please acknowledge receipt of these documents on the bottom of the copy of this letter and return the copy to this office.

Thank you.

Sincerely,

Sheryl L. Loesch  
Clerk

By:

  
Dolores N. Landrum  
Deputy Clerk

Enclosures

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENTS

This is to acknowledge receipt of the above documents in the above referenced case on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

By: \_\_\_\_\_

CUSTODY

**U.S. District Court  
Middle District of Florida (Jacksonville)  
CRIMINAL DOCKET FOR CASE #: 3:10-mj-01106-JRK-1  
Internal Use Only**

Case title: USA v. Diehl

Date Filed: 04/07/2010

Date Terminated: 04/23/2010

Assigned to: Magistrate Judge  
James R. Klindt

**Defendant (1)**

**David A. Diehl**

**CUSTODY**

**TERMINATED: 04/23/2010**

represented by **Curtis Scott Fallgatter**

Fallgatter, Farmand & Catlin, PA

200 E Forsyth St

Jacksonville, FL 32202

904/353-5800

Fax: 904/353-5801

Email:

fallgatterlaw@fallgatterlaw.com

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Pending Counts**

None

**Disposition**

**Highest Offense Level  
(Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

CERTIFIED A TRUE COPY  
SHERYL L. LOESCH, CLERK  
U.S. DISTRICT COURT  
By: *[Signature]*  
Deputy Clerk

**Complaints**

18:2251.F Sexual Exploitation of  
Children

**Disposition****Plaintiff**

USA

represented by **David Rodney Brown**  
US Attorney's Office - FLM  
Suite 700  
300 N Hogan St  
Jacksonville, FL 32202  
904/301-6300  
Email: rodney.brown@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/07/2010	<u>1</u>	Arrest - Rule 5(c)(3) of David A. Diehl from Western District of Texas on charges of 18 United States Code, Section(s) 2251(a). (TSP) (Entered: 04/08/2010)
04/07/2010	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge James R. Klindt: Initial Appearance in Rule 5(c)(3) Proceedings as to David A. Diehl held on 4/7/2010. (DIGITAL) (TSP) (Entered: 04/08/2010)
04/07/2010	<u>3</u>	ORAL MOTION for detention by USA as to David A. Diehl. (TSP) (Entered: 04/08/2010)
04/07/2010	<u>4</u>	ORAL MOTION to continue the detention hearing by USA as to David A. Diehl. (TSP) (Entered: 04/08/2010)
04/08/2010	<u>5</u>	ORDER OF TEMPORARY DETENTION (granting 4 oral motion to continue the detention hearing) as to David A. Diehl. Status of Counsel and Detention Hearing are set for 4/12/2010, at 02:00 PM in Jacksonville Courtroom 5 D before Magistrate Judge James R. Klindt. Signed by Magistrate Judge James R. Klindt on 4/8/2010. (TSP) (Entered: 04/08/2010)
04/08/2010	<u>6</u>	NOTICE OF HEARING as to David A. Diehl. Identity and Preliminary Hearing set for 4/20/2010, at 03:00 PM in Jacksonville Courtroom 5 D before Magistrate Judge James R.

		Klindt. (TSP) (Entered: 04/08/2010)
04/12/2010	<u>7</u>	Minute Entry for proceedings held before Magistrate Judge James R. Klindt: STATUS of Counsel and Detention hearing as to David A. Diehl held on 4/12/2010. (DIGITAL) (TSP) (Entered: 04/13/2010)
04/12/2010	<u>8</u>	ORAL MOTION to appoint counsel by David A. Diehl. (TSP) (Entered: 04/13/2010)
04/13/2010	<u>9</u>	ORDER denying 8 Oral Motion to appoint counsel as to David A. Diehl (1). Signed by Magistrate Judge James R. Klindt on 4/13/2010. (TSP) (Entered: 04/13/2010)
04/13/2010	<u>10</u>	NOTICE OF HEARING as to David A. Diehl. Status of Counsel and Detention Hearing set for 4/14/2010, at 03:00 PM in Jacksonville Courtroom 5 D before Magistrate Judge James R. Klindt., (TSP) (Entered: 04/13/2010)
04/14/2010	<u>11</u>	Minute Entry for proceedings held before Magistrate Judge James R. Klindt: STATUS of Counsel and Detention Hearing as to David A. Diehl held on 4/14/2010. (DIGITAL) (DNL) (Entered: 04/14/2010)
04/14/2010	<u>12</u>	ORAL MOTION to continue the Status of Counsel and Detention Hearing by David A. Diehl. (DNL) (Entered: 04/14/2010)
04/14/2010	<u>13</u>	ORDER granting 12 Motion to continue status of counsel and detention hearing as to David A. Diehl (1) (with directions to the Clerk); status of counsel/detention hearing set for 4/16/10 at 3:30 PM. Signed by Magistrate Judge James R. Klindt on 4/14/2010. (KAW) (Entered: 04/14/2010)
04/15/2010		Set/reset deadlines/hearings as to David A. Diehl: Status of Counsel and Detention Hearing set for 4/16/2010 at 03:30 PM in Jacksonville Courtroom 5 D before Magistrate Judge James R. Klindt. (TS) (Entered: 04/15/2010)
04/16/2010	<u>14</u>	Minute Entry for proceedings held before Magistrate Judge James R. Klindt: STATUS of Counsel and Detention Hearing as to David A. Diehl held on 4/16/2010. (DIGITAL) (DNL) (Entered: 04/19/2010)
04/16/2010	<u>15</u>	ORAL MOTION to continue the Detention Hearing by David A. Diehl. (DNL) (Entered: 04/19/2010)
04/19/2010	<u>16</u>	ORDER (granting 15 Oral Motion to continue the Detention Hearing as to David A. Diehl (1)). Detention, Identity and

		Preliminary Hearing continued to 4/22/2010 at 4:30 PM. Signed by Magistrate Judge James R. Klindt on 4/17/2010. (DNL) (Entered: 04/19/2010)
04/19/2010	<u>17</u>	NOTICE of attorney appearance: Curtis Scott Fallgatter appearing for David A. Diehl (Fallgatter, Curtis) (Entered: 04/19/2010)
04/22/2010	<u>18</u>	Minute Entry for proceedings held before Magistrate Judge James R. Klindt: PRELIMINARY/IDENTITY/DETENTION/REMOVAL Hearing as to David A. Diehl held on 4/22/2010. Minutes should reflect actual hearing date of 4/22/2010. (DIGITAL) (TSP) Modified on 4/23/2010 (TSP). (Entered: 04/23/2010)
04/22/2010	<u>19</u>	WAIVER of Rule 5(c)(3) hearings by David A. Diehl. (TSP) (Entered: 04/23/2010)
04/22/2010	<u>20</u>	CONSENT TO TRANSFER FOR PLEA AND SENTENCE by David A. Diehl. (TSP) (Entered: 04/23/2010)
04/23/2010	<u>21</u>	ORDER OF DETENTION PENDING TRIAL (granting 4 oral motion for detention ) as to David A. Diehl. Signed by Magistrate Judge James R. Klindt on 4/23/2010. (TSP) (Entered: 04/23/2010)
04/23/2010	<u>22</u>	ORDER that defendant knowingly, intentionally, voluntarily, and freely waived his right to an identity hearing. The Court finds that the person before it is the David A. Diehl named in the Complaint filed in the Western District of Texas as to David A. Diehl. Signed by Magistrate Judge James R. Klindt on 4/23/2010. (TSP) Modified on 4/26/2010 to edit text (MK). (Entered: 04/23/2010)
04/23/2010	<u>23</u>	COMMITMENT to another district as to David A. Diehl. Defendant committed to Western District of Texas. Signed by Magistrate Judge James R. Klindt on 4/23/2010. (TSP) (Entered: 04/23/2010)
04/23/2010	<u>24</u>	TRANSFER Rule(5)(c)(3) to Western District of Texas as to David A. Diehl. (TSP) Modified on 4/26/2010 to edit text (MK). (Entered: 04/23/2010)

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

COMMITMENT

v.

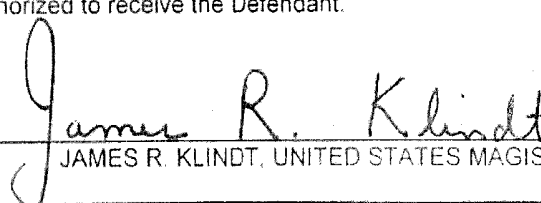
TO ANOTHER DISTRICT


DAVID A. DIEHL

CASE No. 3:10-MJ-1106-JRK

CHARGES		
Charging Document	Statute	Charging District
Complaint filed April 5, 2010	18 U.S.C. § 2251(a)	Western District of Texas
		A-10-M-268
Description: Sexual exploitation of children		

PROCEEDINGS	
BOND STATUS:	Defendant waived his identity hearing and reserved his right to have a preliminary hearing and a detention hearing in the charging district.
COUNSEL:	Curtis S. Fallgatter, Esquire / 904/353-5800
INTERPRETER:	Interpreter not required.

TO: THE UNITED STATES MARSHAL		
<p>You are hereby commanded to take custody of <b>DAVID A. DIEHL</b> and to transport the Defendant with a certified copy of this Commitment Order forthwith to the Charging District and there deliver him to the United States Marshal for that District or to some other officer authorized to receive the Defendant.</p>		
<p>April <u>23</u>, 2010</p>	 JAMES R. KLINDT, UNITED STATES MAGISTRATE JUDGE	
RETURN		
Commitment Order Received:	Place of Commitment	Date Defendant Committed
Date	United States Marshal	By Deputy Marshal

CERTIFIED TRUE COPY  
 SHERYL L. LOESCH, CLERK  
 U.S. DISTRICT COURT  
 By   
 Deputy Clerk



## UNITED STATES DISTRICT COURT

MIDDLE

District of

FLORIDA

## JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

DAVID A. DIEHL

Defendant

## ORDER OF DETENTION PENDING TRIAL

Case No.: 3:10-mj-1106-JRK

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

## Part I—Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a ☐ federal offense ☐ state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed, that is:
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
  - ☐ an offense for which the maximum sentence is life imprisonment or death.
  - ☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_.
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the ☐ date of conviction ☐ release of the defendant from imprisonment for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

## Alternative Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense ☐ for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_ ☐ under 18 U.S.C. § 924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

## Alternative Findings (B)

- ☐ (1) There is a serious risk that the defendant will not appear.
- ☐ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

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 SHERYL L. LOESCH, CLERK  
 U.S. DISTRICT COURT  
 BY *[Signature]*  
 Deputy Clerk

## Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by ☐ clear and convincing evidence ☐ a preponderance of the evidence that

The government moved for detention and the Defendant waived his right to a detention hearing, reserving his right to have his detention hearing in the Western District of Texas.

## Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

April 23, 2010

Date

Hearing held on: April 22, 2010

*[Signature]*  
 JAMES R. KLINDT, UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

Name and Title of Judicial Officer

Parties notified

\*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*), or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

FILED IN OPEN COURT

04-22-2010

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

CLERK, U. S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

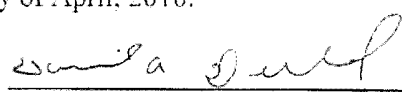
Case No: 3:10-mj-1106-JRK

DAVID A. DIEHL

**CONSENT TO TRANSFER FOR PLEA AND SENTENCE**

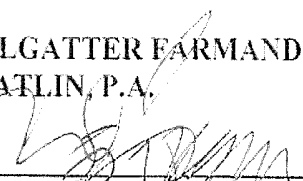
COMES now the Defendant, David A. Diehl, pursuant to Rule 20(a), Fed. R. Crim. P., and hereby states he wishes to plead guilty and waive trial in the Western District of Texas, where the Complaint is pending (and/or where any indictment is or may be pending), and hereby consents to this Court disposing of his case in the Middle District of Florida.

DATED at Jacksonville, Florida this 22<sup>nd</sup> day of April, 2010.

  
\_\_\_\_\_  
DAVID A. DIEHL

Respectfully submitted,

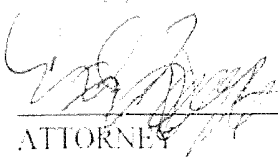
**FALLGATTER FARMAND  
& CATLIN, P.A.**

  
\_\_\_\_\_  
Curtis S. Fallgatter, Esq.  
Florida Bar No: 0213225  
200 East Forsyth Street  
Jacksonville, Florida 32202  
(904) 353-5800 Telephone  
(904) 353-5801 Facsimile  
fallgatterlaw@fallgatterlaw.com Email  
Attorneys for Defendant



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to: (1) D. Rodney Brown, Esq., Office of the United States Attorney, 300 N. Hogan St., Ste. 700, Jacksonville, FL 32202, and by facsimile to: (2) Matthew Devlin, Esq., (512) 916-5854, this 22<sup>nd</sup> day of April, 2010.

  
\_\_\_\_\_  
ATTORNEY

25783

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**UNITED STATES OF AMERICA**

**-vs-**

**Case No. 3:10-mj-1106-JRK**

**DAVID A. DIEHL**

**Defense Atty.: Curtis S. Fallgatter, Esquire  
AUSA: D. Rodney Brown, Esquire**

<b>JUDGE</b>	<b>James R. Klindt U.S. Magistrate Judge</b>	<b>DATE AND TIME</b>	<b>04/21/2010 4:57 - 5:07</b>
<b>DEPUTY CLERK</b>	<b>Dolores N. Landrum</b>	<b>TAPE/REPORTER</b>	<b>Digital</b>
<b>INTERPRETER</b>	<b>None Present</b>	<b>PRETRIAL/PROBATION</b>	<b>Patrick Sheridan</b>

**CLERK'S MINUTES**

**PROCEEDINGS:    PRELIMINARY / IDENTITY / DETENTION / REMOVAL**

Defense counsel filed in open court Consent to Transfer for Plea and Sentence. The government declines the Rule 20 transfer request.

Defense counsel advised the Court that Defendant desires to waive his preliminary, identity and detention hearings, reserving his right to have his preliminary and detention hearings in the charging district.

Defendant placed under oath and questioned regarding waiving such rights. Waiver of Rule 5(c)(3) Hearings executed in open court.

The Court finds that Defendant knowingly, intentionally, voluntarily, and freely waived his right to preliminary, identity and detention hearings, reserving his right to have his preliminary and detention hearings in the charging district. **Order to enter.**

The Defendant is detained and shall be transported to the Western District of Texas.

**Order of Detention to enter.**

**Order of Commitment to enter.**

**FILED IN OPEN COURT:**

**CONSENT TO TRANSFER FOR PLEA AND SENTENCE  
WAIVER OF RULE 5(c)(3) HEARINGS**

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**UNITED STATES OF AMERICA**

**-vs-**

**Case No. 3:10-mj-1106-JRK**

**DAVID A. DIEHL**

**Defense Atty.: Curtis S. Fallgatter, Esquire  
AUSA: D. Rodney Brown, Esquire**

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<b>JUDGE</b>	<b>James R. Klindt U.S. Magistrate Judge</b>	<b>DATE AND TIME</b>	<b>04/16/2010 3:52 - 4:01</b>
<b>DEPUTY CLERK</b>	<b>Dolores N. Landrum</b>	<b>TAPE/REPORTER</b>	<b>Digital</b>
<b>INTERPRETER</b>	<b>None Present</b>	<b>PRETRIAL/PROBATION</b>	<b>Patrick Sheridan</b>

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**CLERK'S MINUTES**

**PROCEEDINGS: STATUS OF COUNSEL / DETENTION**

Curtis S. Fallgatter, Esquire advised the Court that he has been retained to represent Defendant, and that he will file a Notice of Appearance following the hearing today.

Defense counsel's motion to continue the detention hearing, without objection from the government, is **GRANTED**.

Detention, identity and preliminary hearing continued to Thursday, April 22, 2010, at 4:30 p.m.

**Order to enter – for good cause.**

Temporary Order of Detention remains in effect.

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**UNITED STATES OF AMERICA**

**-vs-**

**Case No. 3:10-mj-1106-JRK**

**DAVID A. DIEHL**

**Defense Atty.: None Present  
AUSA: D. Rodney Brown, Esquire**

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<b>JUDGE</b>	<b>James R. Klindt U.S. Magistrate Judge</b>	<b>DATE AND TIME</b>	<b>04/14/2010 3:06 - 3:30</b>
<b>DEPUTY CLERK</b>	<b>Dolores N. Landrum</b>	<b>TAPE/REPORTER</b>	<b>Digital</b>
<b>INTERPRETER</b>	<b>None Present</b>	<b>PRETRIAL/PROBATION</b>	<b>Kim Lee Watson Patrick Sheridan</b>

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**CLERK'S MINUTES**

**PROCEEDINGS: STATUS OF COUNSEL / DETENTION**

Discussion as to the status of counsel.

Defendant's oral motion to continue the detention hearing, without objection from the government, is **GRANTED**.

Detention hearing continued to Friday, April 16, 2010, at 3:30 p.m.

**Order to enter – for good cause.**

Identity and preliminary hearing is set for Tuesday, April 20, 2010, at 3:00 p.m.

Temporary Order of Detention remains in effect.

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

Case No. 3:10-mj-1106-JRK

DAVID A. DIEHL

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ORDER

This cause came before the Court at the scheduled status of counsel and detention hearing held on April 12, 2010. At the hearing, the Defendant requested court appointed counsel. Upon placing Defendant under oath and questioning him regarding his financial condition, it appears Defendant has sufficient financial resources to retain counsel at this time. Accordingly, and for the reasons stated on the record at the hearing, it is

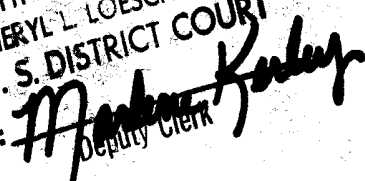
**ORDERED:**

Defendant's oral motion to appoint counsel is **DENIED** without prejudice.

**DONE AND ORDERED** at Jacksonville, Florida, this 13<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
JAMES R. KLINDT  
United States Magistrate Judge

Copies to:  
Assistant U.S. Attorney (Brown)  
Todd Nickel, Esquire

CERTIFIED A TRUE COPY  
SHERYL L. LOESCH, CLERK  
U. S. DISTRICT COURT  
By:   
Deputy Clerk

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**UNITED STATES OF AMERICA**

**-vs-**

**Case No. 3:10-mj-1106-JRK**

**DAVID A. DIEHL**

**Defense Atty.: None Present  
AUSA: D. Rodney Brown, Esquire**

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<b>JUDGE</b>	<b>James R. Klindt U.S. Magistrate Judge</b>	<b>DATE AND TIME</b>	<b>04/12/2010 2:09 - 2:43</b>
<b>DEPUTY CLERK</b>	<b>Dolores N. Landrum</b>	<b>TAPE/REPORTER</b>	<b>Digital</b>
<b>INTERPRETER</b>	<b>None Present</b>	<b>PRETRIAL/PROBATION</b>	<b>Kim Lee Watson</b>

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**CLERK'S MINUTES**

**PROCEEDINGS:                      STATUS OF COUNSEL / DETENTION**

Prior to the hearing, Attorney Todd Nickel of Austin, Texas contacted Chambers and advised that he has not yet been retained and will not be present at the hearing today.

Defendant advised the Court that he has not yet retained counsel.

Defendant requested court appointed counsel. Defendant placed under oath and questioned regarding financial condition. The Court finds that Defendant is financially able to retain counsel at this time. **Order to enter.**

Status of counsel and detention hearing continued to Wednesday, April 14, 2010, at 3:00 p.m.  
**Notice to enter.**

Identity and preliminary hearing is set for Tuesday, April 20, 2010, at 3:00 p.m.

Temporary Order of Detention remains in effect.



**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**UNITED STATES OF AMERICA**

**-vs-**

**Case No. 3:10-mj-1106-JRK**

**DAVID A. DIEHL**

**Defense Atty.: None Present  
AUSA: D. Rodney Brown, Esquire**

<b>JUDGE</b>	<b>James R. Klindt U.S. Magistrate Judge</b>	<b>DATE AND TIME</b>	<b>04/07/2010 1:48 - 2:14 Recess 4:03 - 4:14</b>
<b>DEPUTY CLERK</b>	<b>Dolores N. Landrum</b>	<b>TAPE/REPORTER</b>	<b>Digital</b>
<b>INTERPRETER</b>	<b>None Present</b>	<b>PRETRIAL/PROBATION</b>	<b>Patrick Sheridan</b>

**CLERK'S MINUTES**

**PROCEEDINGS:                      INITIAL APPEARANCE (Removal)**

Defendant arrested by FBI agents yesterday evening on a warrant issued in the Western District of Texas.

Defendant advised of rights, charge, penalties, and special assessment.

Defendant advised of the right to an identity hearing and a preliminary hearing.

Government's motion for detention.

Government's motion to continue the detention hearing, without objection from Defendant, is **GRANTED**.

Defendant advised the Court that he would like some time to try to retain counsel. Defendant advised the Court that Attorney Todd Nickel, of Austin, Texas, would possibly consider representing him. During a recess, Chambers contacted Attorney Todd Nickle.

Attorney Todd Nickel was present, by telephone, for the remainder of the hearing.

[Continued to Page Two]

***U.S. v. David A. Diehl***  
**Case No. 3:10-mj-1106-JRK**  
**Page Two**

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Status of counsel and detention hearing set for Monday, April 12, 2010, at 2:00 p.m.

Identity and preliminary hearing set for Tuesday, April 20, 2010, at 3:00 p.m. **Notice to enter.**

**Order of Temporary Detention to enter.**

cc:

Todd Nickel, Esquire  
700 Lavaca Street  
Austin, TX 78701-3101

Clerk, U.S. District Court  
200 West Eighth Street  
Austin, TX 78701

RECEIVED

APR 29 2010

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_ DEPUTY CLERK